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**FACSIMILE TRANSMITTAL**

**TO:**

Name: Mail Stop AMENDMENT  
Group Art Unit 3738/Examiner David Willse

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/674,971  
Gary K. Michelson  
Filed: September 30, 2003  
METHOD FOR INSERTING AN INTERBODY  
SPINAL FUSION IMPLANT HAVING AN  
ANATOMICALLY CONFORMED TRAILING END  
Attorney Docket No. 101.0059-02000  
Customer No. 22882  
Confirmation No.: 4939

**FROM:**

Name: Amedeo F. Ferraro

Phone No.: 310-286-9800

No. of Pages (including this): 18

Date: December 7, 2006

Confirmation Copy to Follow: NO

**Message:**

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; \$1,330.00 total amount to cover the \$1,020 three-month extension fee, \$130 Terminal Disclaimer fee, and \$180 IDS fee is to be charged to Deposit Account No. 50-3726), Amendment, Terminal Disclaimer, and Information Disclosure Statement with Form PTO-1449 are being facsimile transmitted to the U.S. Patent and Trademark Office on December 7, 2006.

Donna M. Colon

12/11/2006 FMETEK11 0000001 503726 10674971

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FORM PTO-1083

Attorney Docket No.: 101.0059-02000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
 Gary K. Michelson  
 Serial No: 10/674,971  
 Filed: September 30, 2003  
 For: METHOD FOR INSERTING AN INTERBODY  
 SPINAL FUSION IMPLANT HAVING AN  
 ANATOMICALLY CONFORMED TRAILING END

Confirmation No.: 4939  
 Art Unit: 3738  
 Examiner: David Willse

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Mail Stop AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in reply to the Office Action dated June 7, 2006 in the above-identified application.

- No additional fee is required.  
 Applicant hereby requests a three-month extension of time to respond to the above office action.  
 A Terminal Disclaimer is enclosed.  
 An Information Disclosure Statement Under 37 C.F.R. § 1.97(c) with Form PTO-1449 is enclosed.

The fee has been calculated as shown below:

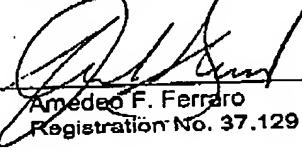
	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	29	-	49	**	LG=\$50 SM=\$25	\$50	\$ 0
INDEPENDENT CLAIMS FEE	2	-	4	***	LG=\$200 SM=\$100	\$200	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS LARGE ENTITY FEE = \$380 SMALL ENTITY FEE = \$180 TOTAL \$ 0							

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- The total amount of \$1,330.00 to cover the \$1,020 three-month extension of time fee, \$130 Terminal Disclaimer fee, and \$180 IDS fee is to be charged to Deposit Account No. 50-3726.
- The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
 MARTIN & FERRARO, LLP

By:

  
 Amadeo F. Ferraro  
 Registration No. 37,129

Date: December 7, 2006

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PATENT  
Attorney Docket No. 101.0059-02000  
Customer No. 22882

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In re Application of: ) Confirmation No.: 4939  
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IMPLANT HAVING AN )  
ANATOMICALLY CONFORMED )  
TRAILING END )

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT**

In reply to the Office Action dated June 7, 2006, the period for reply having been extended for three (3) months by a request for extension and fee payment filed concurrently herewith, please amend the application as follows:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks** begin on page 7 of this paper.